

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FEB 08 2008

DAVID J. WILSON, CLERK
BY
DEPUTY _____

AMERICAN COMMUNITY
NEWSPAPERS, LLC d/b/a STAR
COMMUNITY NEWSPAPERS,

Plaintiff,

v.

THE CITY OF PLANO

Defendant.

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CASE NO. 4:06cv295

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 23, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion for Summary Judgement (Dkt. 39) be GRANTED, Plaintiff's Motion for Summary Judgment (Dkt. 40) be DENIED, and that Plaintiff take nothing by its claims in this matter.

The court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that Defendant's Motion for Summary Judgement (Dkt. 39) is **GRANTED**, Plaintiff's Motion for Summary Judgment (Dkt. 40) is **DENIED**, and that Plaintiff take nothing by its claims in this matter.

SIGNED this 8th day of February, 2008.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE